

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)	
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)	
)	
vs.)	Criminal No. 04-10288-RWZ
)	
PHILIP ALBERT, JASON MATTHEWS,)	
JAMES GARDNER, and JOSEPH)	
ALLEN, et al.,)	
Defendants.)	
_____)	

ORDER

March 11, 2005

SWARTWOOD, M.J.

By Order of Reference dated September 22, 2004, this case has been referred to me for pretrial proceedings. This Order addresses various motions to extend time for filing discovery motions and/or to file individual discovery motions.

Discussion

1,2. Defendant, Philip Albert's Motion For Leave To File Individual Motion's For Discovery And To Extend The Deadline To File Motions For Discovery (Docket Nos. 166 and 167)¹; and Defendant, James Gardner's, Motion For Leave To File Individual Motions for Discovery And To Extend The Deadline To File Motions For Discovery(Docket No. 170).

¹This Motion was inadvertently docketed twice.

Due to the substantial amount of evidence which the Government has provided in this case, Messrs. Albert and Gardner have requested additional time until April 15, 2005 to file any discovery motions. Mr. Albert suggests that any discovery motions which are filed will be specific and unique to alleged conversations which took place between himself and law enforcement officials and therefore, he requests that he be permitted to file individual discovery motions. Mr. Gardner also seeks permission to file individual discovery motions on the same ground, *i.e.*, that any discovery sought will be specific to conversations/meetings between himself and law enforcement officials.

While it may be true that Messrs. Albert and Gardner will seek discovery relating specifically to each of them, in all likelihood, the legal issues raised in those requests will be similar. Under these circumstances, Messrs.' Albert and Gardner have failed to establish good cause for filing individual discovery motions. Therefore, Messrs. Albert's and Gardner's requests to file individual discovery motions are denied.

Messrs. Albert's and Gardner's motions to extend time are allowed. Unless otherwise expressly indicated by the Court, all Defendants shall have until April 18,

2005 to file a joint discovery motion(s). The Government shall file its response to such motion(s) by May 9, 2005.

3. Motion of Defendant, Jason Matthews, For Leave To File Individual Discovery Motion And For Extension Of Time (Docket No. 169).

Mr. Matthews requests additional time until March 28, 2005 to file discovery motions and that he be permitted to file such motions individually. Mr. Matthews seeks to file individual discovery motions to isolate evidence related to his role in the alleged conspiracy in order to permit him to pursue a possible plea agreement. Mr. Matthews motion is allowed. The Government shall respond to any discovery motion filed by Mr. Matthews on or before April 11, 2005.

4. Defendant's Motion To Extend Time For Filing Discovery Motions (Docket NO. 171).

Mr. Allen requests that the time for filing discovery motions be extended until March 18, 2005. Since I have allowed the motion of two of Mr. Allen's co-defendants to extend the time for filing the Defendants' joint discovery motion(s) until April 18, 2005, Mr. Allen's motion is denied, as moot.

Conclusion

1. Defendant, Philip Albert's Motion For Leave To File Individual Motion's For Discovery And To Extend The Deadline To File Motions For Discovery (Docket Nos. 166 and 167) is allowed in part and denied in part, as provided in this Order;

2. Defendant, James Gardner's, Motion For Leave To File Individual Motions for Discovery And To Extend The Deadline To File Motions For Discovery(Docket No. 170), is allowed in part and denied in part, as provided in this Order;

3. Motion of Defendant, Jason Matthews, For Leave To File Individual Discovery Motion And For Extension Of Time (Docket No. 169) is allowed, as provided in this Order; and

4. Defendant's Motion To Extend Time For Filing Discovery Motions (Docket NO. 171) is denied as moot.

Except as otherwise indicated by the Court, all Defendants shall have until April 18, 2005 to file a joint discovery motion(s) and the Government shall have until May 9, 2005 to file its response to that motion(s).

/s/ Charles B. Swartwood III
Charles B. Swartwood III
Magistrate Judge